

PRIVATE AND SPECIAL

Statutes

OF THE

COMMONWEALTH

OR

MASSACHUSETTS,

FROM THE YEAR 1780.

TO THE

CLOSE OF THE SESSION OF THE GENERAL COURT,

BEGUN AND HELD ON

THE LAST WEDNESDAY IN MAY, A. D. 1805,

WITH

AN APPENDIX,

CONTAINING

*SUCH STATUTES, OF THE ABOVE DESCRIPTION, PASSED BEFORE
THE YEAR 1780, AS ARE REFERRED TO IN ACTS PASSED
SINCE, AND INCLUDING THE TEMPORARY ACTS,
MADE PERPETUAL, MARCH 7, 1797.*

IN THREE VOLUMES.

VOL. I.

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1805.

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NAUSHON ISLANDS. Jan. 16—30, An. 1790.

Boundaries.

bounded as follows: Westerly and northerly on *Penobscot Bay*, easterly on *Fox Island Bay*, which separates these islands from the *Isle of Holt* and *Deer Island*, divisions of islands, and southerly on the Atlantic ocean, together with the inhabitants thereon, be, and they are hereby incorporated into a town by the name of *Vinalhaven*; and the inhabitants of the said town are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy.

SECT. 2. *And be it further enacted*, That *William Vinal*, Esq. is hereby authorized and empowered to issue his warrant, directed to some suitable inhabitant of the said town of *Vinalhaven*, directing him to notify the inhabitants of the said town to meet at such time and place as he shall appoint, to choose such officers as other towns are empowered to choose at their annual meetings in the months of *March* or *April* annually.

[This Act passed June 25, 1789.]

An ACT to enable *Dudley Atkins*, Esquire, to take the Surname of *Tyng*.

Preamble.

WHEREAS *Dudley Atkins*, of *Newbury*, in the county of *Essex*, Esquire, has petitioned this Court, setting forth that he is descended from the family of *Tyng*; that *Mrs. Sarah Winflow*, of *Tyngborough*, in the county of *Middlesex*, being a descendant from the same family, and having no children, has devised to him a considerable part of her estate, and has requested him to take the surname of *Tyng*, and therefore praying the interposition of this Court for that purpose:

Dudley Atkins enabled to take the surname of Tyng.
Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said *Dudley Atkins* be, and he hereby is enabled to take upon himself the surname of *Tyng*, in addition to his present name, and that he be hereafter known and called by the name of *Dudley Atkins Tyng*.

[This Act passed January 16, 1790.]

An ACT for the Protection and Security of the Sheep and other Stock on *Tarpaulin Cove Island*, otherwise called *Naushon Islands*, and on *Nennemessett Island*, and several small Islands contiguous, situated in the County of *Dukes County*.

Preamble.

WHEREAS there have been of late great depredations made by gunners and hunters on *Tarpaulin Cove*, or *Naushon Island*, *Nennemessett Island*, and several small islands contiguous thereto, situate in the county of *Dukes County*, by which

NAUSHON ISLANDS.

January 30, An. 1790.

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which great numbers of sheep and deer have been killed, and other damages sustained. And whereas the few persons residing on said islands cannot give proper security to the stock thereon ; and to provide an additional remedy in this behalf :

SECT. 1. Be it therefore enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person or persons shall hereafter unlaw- Persons unlaw- fully take away, shoot, kill or destroy, or shall cause to be tak- fully taking a- en away, shot, killed or destroyed, any sheep or other stock or ing stock, sub- creatures, on either of the said islands, and shall be thereof ject to forfeit- convicted, every such person or persons shall, besides paying ure, &c.

the value thereof, forfeit and pay a sum not exceeding *forty shillings*, nor less than *ten shillings*, for every sheep or other creature he or they may so take away, shoot, kill or destroy, or cause to be taken away, shot, killed or destroyed ; the same to be recovered, with costs of suit, by action of debt before any court proper to try the same ; and the sums so recovered shall one half thereof accrue to the prosecutor, and the other half for the use of the poor of the town in which said islands are or may be situated.

SECT. 2. And be it further enacted, That if any person or persons, (except such as shall have the special license of the proprietors of the said islands, or shall be able to shew sufficient reason therefor,) shall be seen with any gun or guns upon either of the said islands, other than that part of said *Naushon Island* at the extreme west end thereof, extending between the house there now occupied by *Shadrack Robinson*, and the shore of that island known as *Robinson's Hole*, such person or persons shall forfeit such gun or guns, or the value thereof, to any person or persons who will sue and prosecute *Forfeiture*, therefor, to be recovered, with costs of suit, by action of trover before any court proper to try the same. And if any person or persons shall be found collecting, driving, or in any way molesting any of the sheep or creatures upon, and be longing to the said islands, or shall be found on either of the aforesaid lands with any skin, limb or carcass, and any sheep or other creature hath been there lately killed, and such person or persons, or his or their company may be reasonably suspected to have killed the same, such person or persons so found shall be deemed and adjudged guilty of such killing, and shall be liable for each and every sheep or other creature, which hath been there lately killed as aforesaid, to such penalty as is already provided in this A& against such killing ; to be recovered with costs, by action of debt, and to accrue in like manner as aforesaid, besides being liable for the value thereof.

SECT.

EGREMONT and ALFORD. Feb. 6—8, An. 1790.

SECT. 3. *And be it further enacted by the authority aforesaid,* That no person, by reason of being an inhabitant of the town to which such penalty shall accrue, shall be disqualified from being a witness in any suit or prosecution for any breach of this Act.

Proviso. SECT. 4. *Provided nevertheless, and be it further enacted,* That any person or persons having suffered any penalty or forfeiture incurred by this Act, shall be exempted from any other penalty for the same offence.

[This Act passed January 30, 1790.]

An ACT ascertaining the Boundary Line between the Towns of Egremont and Alford, in the County of Berkshire.

Dividing line established. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described line be in future established as the dividing line between the towns of Egremont and Alford, viz.—Beginning at a soft Maple Staddle, marked, standing on the west line of this Commonwealth, the same being the north-west corner of Egremont, and south-west corner of Alford; thence eastwardly in a straight line to the north-east corner of the original Indian grant of two hundred acres, made to Peter Sharp, on the west line of the town of Great Barrington; any other line or lines described in the incorporating Acts of said towns, to the contrary notwithstanding.

[This Act passed February 6, 1790.]

An ACT for repealing an Act made and passed in the Year of our Lord One thousand seven hundred and eighty-four, entitled, "An Act in addition to an Act for incorporating Jonathan Gardner, jun. and others therein named, into a Society by the Name of the Marine Society at Salem, in the County of Essex, in the Province of the Massachusetts Bay in New-England," and also for altering the said Act of Incorporation.

Preamble.

WHEREAS by the representation of said Marine Society, it appears that the effects resulting from said Act, made and passed in the year of our Lord one thousand seven hundred and eighty-four, are not such as were expected, and that the benevolent views in instituting said Society will be greatly promoted should the said Act be repealed, and some alterations be made in the said Act of incorporation:

SECT.